



## **Governor's Advisory Council For Exceptional Citizens (GACEC)**

*The Council's adopted role is "to provide leadership through advice giving and advocacy for the education of and amelioration of unmet needs of citizens of all ages who are exceptional." Council activities in fulfilling this role are intended "to improve the lives of Delaware citizens who are exceptional."*

- ★ The term "exceptional citizens" consists of persons of all ages who have special needs. It should be noted that the GACEC State mandate for exceptional citizens includes the child with special gifts and talents.

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<http://www.state.de.us/gov/gacec>**

**ANNUAL REPORT 2006-2007  
SUBMITTED BY ROBERT D. OVERMILLER, CHAIRPERSON  
AND WENDY S. STRAUSS, EXECUTIVE ADMINISTRATOR**



## **Message from the Chair**

This year was another major milestone in the education arena. The Council reviewed the Federal reauthorization of the Individuals with Disabilities Education Improvement Act (IDEIA) and the Delaware Department of Education's (DOE) new Administrative Manual for Special Education Services (AMSES) regulations. I want to thank everyone who worked on reviewing these documents and providing input to us so we could forward it to the DOE.

We had a few members resign or leave Council for various reasons. They are: Marie-Anne Aghazadian, Kristen Wilson, Karen O'Brien, Jan Drake and Michael Kennedy. I would like to thank them for all the countless hours and work they put into the council. A special thank you to Marie-Anne for the assistance she has given to the Council for the past twenty-two years.

We welcome the following new members: Christopher McIntyre, Cathy Cowin, Patrick Heffernan, Ron Russo and John Ryan. On behalf of the Council I want to thank them for jumping in with both feet and working on Council and Committee goals.

Each committee has worked very hard this year to meet their group goals as well as Council goals. I want to thank every one for their many hours of devoted service to the Council. We could not do all that we do without your time and dedication. Gifts of time and of yourself are greatly appreciated by Council, Delawareans with disabilities and their families. I would also like to thank the GACEC staff for all their assistance and support throughout the year.

I look forward to working with the Council as the last of DOE's AMSES regulations are being finalized. I am looking forward to the pilot program for the newly redesigned IEP form which aligns with the current federal IDEIA and the Delaware AMSES regulations.

The GACEC is comprised of volunteers from varied backgrounds – parents, teachers, school administrators, and professionals in areas as diverse as social work, prisons, information systems, and the law. We join with a common cause – to better the lives of those persons with exceptionalities in this state. Annually, we plan ambitious goals during our annual retreat, and then review our progress towards those goals as the year progresses. Thank you to one and all.

Robert D. Overmiller  
Chairperson



# **What is the Council?**

## **Statutory Responsibilities**

In accordance with CFR 300.650 (b), the Council serves as the State Advisory Panel for the Individuals with Disabilities Education Act (IDEA) and its amendments.

1. Delaware Code: Title 14, Chapter 31, Sub. Sec. 3111
2. Federal Statute: Individuals with Disabilities Education Act (IDEA) and its amendments

The State Advisory Panel will:

- (1) "...advise(s) the state educational agency of unmet needs within the state in the education of children with disabilities;
- (2) comment(s) publicly on any rules or regulations proposed for issuance by the state regarding the education of children with disabilities and the procedures for distribution of funds under this part; and
- (3) assist(s) the state in developing and reporting such data and evaluations as may assist the Secretary under Section 618..."

## **Organizational Structure**

GACEC is an all volunteer Council with a membership composition representing a broad cross-section of Delaware's statewide community. The GACEC holds regularly scheduled monthly meetings at the George V. Massey Station in Dover, unless otherwise noted. These meetings are open to the public with meeting notifications published in several newspapers and on the State of Delaware calendar of events. Officers are elected annually, with the elected chairperson responsible for providing the Council its primary leadership and supervision for the staff members. The Board of Directors consists of the chairperson of the Council, vice-chairperson of the Council, chairperson elect, past chairperson, secretary/treasurer and committee chairpersons. The Council developed and is guided by its By-Laws and a Code of Ethics to effectively discharge its diverse responsibilities. The GACEC is comprised of two administrative committees: Membership and Personnel and four issues committees: Infant/Early Childhood, Children and Youth, Adult/Transition Services and Policy and Law.

The four standing issues committees do most of the actual work of the Council. The Infant and Early Childhood Committee is concerned with issues surrounding the identification and initial services for children birth through age five. The Children and Youth Committee looks into specific issues related to the school age children of our community. The Adult Transition Services Committee monitors and works on issues such as housing and vocational opportunities for individuals who are moving into adulthood; and the Policy and Law Committee reviews proposed regulations and legislation in order to comment on how persons with exceptionalities in our state will be affected. The administrative committees are Personnel and Membership. These committees handle personnel issues and membership monitoring and recruitment. Ad-hoc committees are created as needed. This framework has served the GACEC well.

Council members participate on multiple outside councils and committees, providing stakeholder feedback to the Department of Education and other agencies in numerous areas. We continue to maintain a close working relationship with members of agencies that provide services for persons with disabilities, such as the Division of Developmental Disabilities Services, as well as the Department of Education.

### **Fourteenth Annual Fall Planning Retreat**

The GACEC held its Fourteenth Annual Fall Retreat on September 15 & 16, 2006 at the Virden Center in Lewes, Delaware, as part of the Council's planning activities for FY 2007. Participants at the Retreat included GACEC members and staff, a teacher and students from New Castle County Vocational-Technical School District and a representative from the Department of Education.

Martha Toomey from the Department of Education presented the DOE Report. In her report, Martha gave Council an overview of the anticipated rollout of the reauthorized Federal Individuals with Disabilities Education Act (IDEA) regulations and the DOE timeline for incorporating changes into the State's Administrative Manual for Special Education Services (AMSES). She updated Council on the changes to the general requirement to the Individualized Education Plan (IEP) and the Response to Intervention model (RtI). The RtI model is used when students have a learning disability and are in danger of failing. RtI is the practice of providing high quality instruction and interventions matched to the student's needs. In addition, Council was given information on the National Instructional Materials Accessibility Standards (NIMAS) which ensures access to print resources for all students with print disabilities. There are certain standards that districts must follow when purchasing curriculum and materials.

On Friday evening of the Retreat, Council members heard a discussion from a panel of young adults about student-led IEPs and the importance of student involvement.

Retreat activities involved extensive planning, including:

- A survey of perceived needs of all Council members
- Council recommendations to be included with DOE legislative recommendations for FY 2007
- Formulation of the FY 2006-2007 GACEC operational plan
- Development of Council goals for 2006-2007
- Development of a list of potential topics and speakers for 2006-2007



**Members of the Adult Transition Services committee discussing their goals and activities for 2006-2007**



**Members of the Policy and Law committee hard at work on their goals for 2006-2007**

### **The Council goals for 2006-2007 are as follows:**

1. Outcomes for students with exceptionalities will be improved by monitoring and supporting the implementation of the State Performance Plan (SPP), State Improvement Grant (SIG), No Child Left Behind (NCLB) as the NCLB pertains to students with exceptionalities and review of the Administrative Manual for Special Education Services (AMSES).
2. The delivery of special education and related services in the least restrictive and natural environments will be improved by reducing funding barriers and improving practice.
3. Programs and services for citizens with exceptionalities will be improved by reviewing and advocating for funding, policies and procedures that positively impact and empower citizens with exceptionalities.
4. The GACEC will impact legislators, agencies, councils and other entities through more effective communication strategies.
5. Delaware Department of Education standards-based reform and accountability efforts will be supported through review and advocacy for the inclusion of students with exceptionalities in all provisions and programs.

### **GACEC Budget Report**

The GACEC FY 2008 budget request was submitted to the Office of Management and Budget in October of 2006. Chairperson, Robert D. Overmiller, along with the Executive Administrator, Wendy Strauss presented the proposed budget to the Joint Finance Committee in 2007. Members Bernie Greenfield and Pat Maichle also spoke on behalf of the GACEC. Council sought an increase in the Supplies line of \$1,000.00 and a one-time adjustment of \$1,500 for office furnishing.

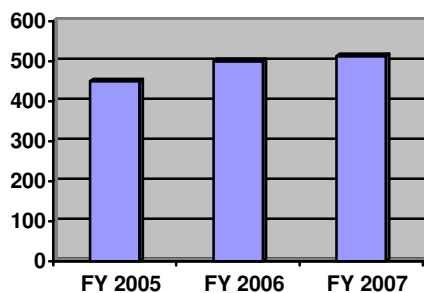
We would like to thank our legislators for their ongoing support of the GACEC.

### **Council Collaborative Efforts**

Throughout the year, members and staff of the GACEC collaborate with other state agencies and advocacy groups in efforts impacting individuals with disabilities. Council provides input and support on issues affecting our constituents. The following charts underscore the number of persons contacted at collaborative activities involving the Council in FY2007.

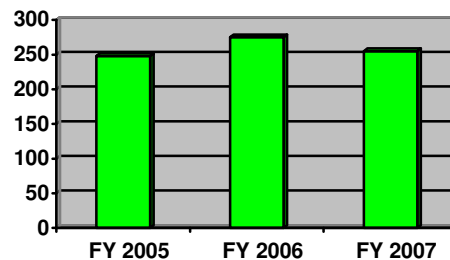
## FY 2007 Collaborative Events

### LIFE Conference



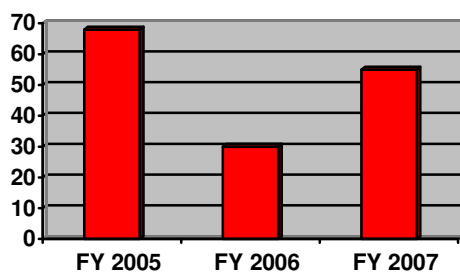
Number of attendees at the annual LIFE Conference, a GACEC co-sponsored event.

### DE Council for Exceptional Children



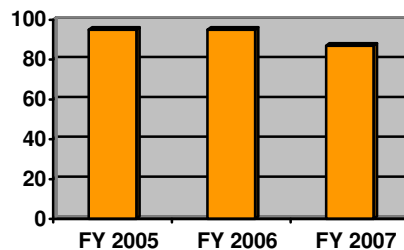
Number of persons attending the annual DE Council for Exceptional Children Convention who received information on the GACEC.

### Executive Administrator Presentations



Number of day care providers who received information from the Executive Administrator on the GACEC and inclusive child care settings.

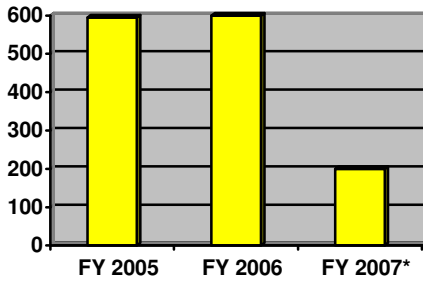
### Legislative Agenda Event



Number of individuals with disabilities, advocates and legislators who attended the Legislative Agenda Event.

## FY 2007 Collaborative Events

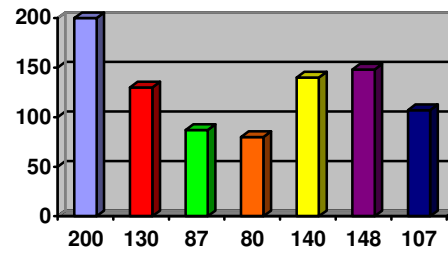
**Annual Disability Awareness  
Day Picnic**



Annual Disability Awareness Day Picnic - number of participants at this collaborative event between the GACEC, DDC and others which focuses on increasing awareness of issues and services available to persons with disabilities.

\*2007 attendance was down due to inclement weather.

**Other FY 07**

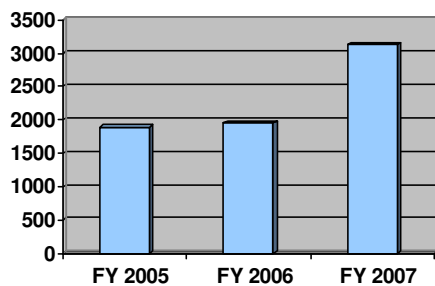


Number of attendees at collaborative events who received information on the GACEC.

- Mental Health Symposium at DSU
- DE Coordination Council for Children with Disabilities Early Childhood
- Legislative Brunch
- Healthy Delawareans 2010
- Universal Design Open House
- Family Education & Support Project (Mental Health)
- TBI Return to School Conference

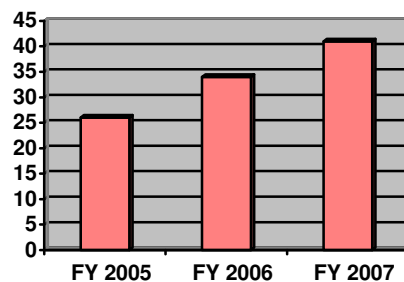
## FY 2007 Performance Measures

### Letters on State Legislation



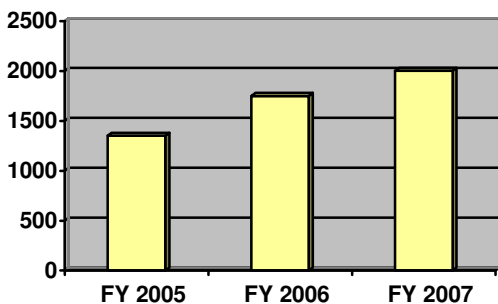
Letters on legislation and regulations to elected officials, DOE, SBE and other agency representatives.

### Participation by GACEC



Boards, councils and committees with participation by GACEC staff and members.

### Individuals Reached by GACEC



Individuals reached via GACEC presentations or co-sponsorship of conferences and workshops on education and disability related issues, by members and staff.

## Award Winning Council Members



Dr. Janet Cornwell received the *Practitioner Award for the Parent Partnership* named in her honor at the first annual Parent Leadership Forum held on May 7, 2007. Janet was honored for embracing and respecting families, as well as her willingness to partner with them to share their hopes and dreams for their child. She also works with families to ensure proper support systems will be set in place to assist families in reaching their goals. Dr. Cornwell partnered with parent leader Samtra Devard and other agency representatives to coordinate the Parent Leadership Forum. The Parent Leadership Forum was about empowering parents and building their leadership skills. Another important facet of the event was parents and agencies building partnerships in order to sustain successful outcomes for children.



Patricia Maichle was awarded the Mary Custis “Custie” Straughn Memorial Award by the State Council for Persons With Disabilities (SCPD) at the October 2006 Legislative Event. The following is just a brief summary of what Pat has contributed to the disability community. As Administrator for the Developmental Disabilities (DD) Council she works tirelessly to enhance public policy and provide funding to support programs of the highest quality. As staff to one of the Governor’s Commission on Community Based Alternatives sub-committees she works beyond the scope of her paid responsibilities to support the direction of the commission and to ensure grassroots input. She coordinates and leads many disability activities, demonstrating professionalism and strong leadership. Pat puts in many hours advocating for individuals with disabilities. She brings professional as well personal experience to the advocacy world. She continuously advocates for respect for individuals with disabilities, inclusion for all and money follows the person. Legislators have contacted Pat to ask for information and guidance on issues that directly affect citizens with disabilities, and her input has led to the passage of several laws.



This year's Advocacy Award was presented to Brian J. Hartman, Esq. The award was presented in grateful recognition for his untiring dedication and devoted service to the Brain Injury Association and the brain injured community.

Mr. Hartman is the Project Director and Chief Attorney for the Disabilities Law Program of the Community Legal Aid Society. In addition to his regular position, he serves as co-chair of the State Council for Persons with Disabilities' Brain Injury Committee and advises the GACEC as well as many other committees and councils relative to persons with disabilities."

## **ADMINISTRATIVE COMMITTEES**

### **MEMBERSHIP COMMITTEE REPORT**

Five individuals were appointed to the Council by Governor Ruth Ann Minner during FY 2007:

Christopher McIntyre  
Cathy Cowin  
Patrick Heffernan  
Ron Russo  
John Ryan

- Two individuals applied for Council membership and were approved by the Membership Committee. They are presently awaiting appointment by the Governor.
- Five members submitted their resignations to Council for personal reasons or were terminated.
- Two members requested and were granted a one-year leave of absence.

- One member currently on a one year leave of absence requested an extension for an additional year.
- The Council and Membership Committee continue to recruit individuals who represent areas in which representation is still needed. With our new members this year, we have fulfilled the mandate to have representation from a charter or private school, representation from the Department of Corrections and the Division of Services for Children, Youth and their Families. We will continue to work towards recruiting representatives who work with the McKinney-Vento Act and the Division of Vocational Rehabilitation.

### **PERSONNEL COMMITTEE REPORT 2006-2007**

One of the goals of the personnel committee this year was to ensure training took place for newly hired, Operational Support Specialist, Susan Hayes. Kathie Cherry, Administrative Assistant and Susan Hayes attended many trainings offered by the State of Delaware on new procedures for the PHRST PeopleSoft Financials System in order to be ready for the implementation of the State's new payroll, benefits and human resource management system. In addition, they both received training on the new FTR recording system, records management and DTI computer security training.

A second goal of this committee was to complete the review of the new personnel manual for GACEC staff and perform required updates. The document to date has been approved by the committee. Additional changes may need to be made before it receives final approval.

## **ISSUES COMMITTEES**

### **INFANT AND EARLY CHILDHOOD 2006-2007**

This year proved to be very busy for the Infant and Early Childhood Committee. The Committee continues to strengthen the family voice in guiding recommendations from the infant and early childhood perspective. In order to accomplish this goal, the committee will continue to recruit parents to join the committee and GACEC.

Julie Johnson has joined the committee as well as the GACEC as an active participant in our work. Julie is the parent of a son who is deaf and has that experience to share with the group, as well as her childcare experience as Program Administrator of the Tender Loving Kare Child Care & Learning Center. This program provides opportunities for children to learn new concepts through an integrative and challenging curriculum that is structured to meet a variety of learning styles.

A second strategy of the committee in reaching this goal has been to review the composition of the committee to ensure we touch on all aspects of infancy and early childhood. The bylaws of the GACEC require that the Council have a number of specific representatives in its composition in order to be in compliance with its dual role as the IDEA panel for Delaware and as an advisory panel on the unmet needs of all citizens with disabilities. The Infant/Early Childhood Committee is assisting towards fulfilling the membership mandate. The committee consists of parents of children with

disabilities (ages birth through 26); administrators of programs for children with disabilities; representatives of State agencies involved in the financing or delivery of services to children with disabilities and a representative from a community organization concerned with the provision of transition services to children with disabilities. The Council recently accepted resignations from Karen O'Brien and Kristin Wilson who were members of the Infant/Early Childhood committee.

The Infant/Early Childhood committee stays informed on new initiatives and ongoing projects impacting children with disabilities and their families, as well as the quality and availability of services to support their development and include them in their communities. At monthly meetings, committee member, Helene Diskau, who is on the Respite Care Committee, kept the group informed on their progress. At this time, the final report is still in progress. The committee has reviewed the results of the Respite Care Committee and is working towards developing a statement of need from an early childhood perspective.

Jennifer Pulcinella is on the Standards of Care subcommittee of the Delaware Healthy Mother and Infant Consortium (DHMIC) and has kept the group up to date on their progress. The DHMIC has been developing a program called Pursuing Motherhood to focus on what can be done before conception to aid in having a healthy pregnancy and subsequent healthier births.

The committee continues to look for expanded opportunities to support family support efforts for families of children with disabilities through the Parent Information Center and other organizations. Janet Cornwell was an integral part of the First Annual Parent Forum. This forum brought 150 caregivers together and showed them the power of their voices and their stories. The Infant and Early Childhood committee fully supports the efforts of Delaware New Scripts and hopes to be able to reach out to caregivers in the newly formed Delaware Family Network to encourage them to become members of the GACEC.

The third goal of the Infant/Early Childhood committee was to study and make recommendations regarding issues related to children with disabilities birth to five and their families. In keeping with that goal, the committee followed the progress of the Delaware Building Blocks program. Delaware has established an early childhood outcomes (accountability) system, Delaware Building Blocks. This system is intended to: 1) be a process for the ongoing monitoring of children's development to support effective instruction and 2) to serve as the statewide mechanism for reporting the OSEP outcome data. (Delaware Building Blocks: Early Childhood Monitoring-Instruction- Accountability System for Young Children). The committee plans to have Jim Lesko of the Department of Education provide an update on the current activities of this project.

A major concern the committee has been and continues to be extremely interested in is issues affecting the transition process for children at age three and their families. The committee, along with members from Child Development Watch and administrators of programs designed for preschoolers, has been keenly aware of the difficulties of the undiagnosed 3-5 year old. The committee hopes to communicate with the Department of Education on the availability of services across district lines.

The committee followed the issue of preschool unit funding and the use of the "Developmental Disability" label. With the addition of Julie Johnson to the committee, we will have the benefit of a preschool administrator and can more closely follow this issue.

In 2006, the State began implementation of Delaware Stars: Phase 1, which is designed to test the system. Phase 1 is a partnership between the State (Department of Education, Department of Health and Social Services, and Department of Services for Children, Youth and their Families), Family and Workplace Connections (FWC), and the United Way of Delaware Success by 6™ Program. As Phase 1 got underway in August of 2006, Delaware Stars established a Work Group to oversee the design and implementation of the system. The group developed vision, mission and goal statements. A small number of programs are participating in Phase 1, helping to test the system. During this period, Delaware Stars will offer information sessions for the early childhood community. As the final step in the Phase 1 process, necessary changes will be made to improve the system.

The committee continues to follow the implementation of the new Child Care Regulations and is currently in need of an update from the Office of Child Care licensing.

The committee will continue to review the Early Success program which is a holistic approach that includes support for families and focuses on the emotional and physical health as it is being implemented through the Delaware Early Care and Education Council. This program focuses on quality early care for all children birth to age five. The seven guiding principles of the plan are: 1. Public policy development; 2. Research-based programs and interventions; 3. Expansion or redesign of existing programs; 4. Collaboration and coordination between state and local agencies; 5. The creation of long-term public and private partnerships; 6. Measurement of effectiveness; 7. A commitment to ensuring that the early learning system is developmentally appropriate, family centered, and accessible to all children and families regardless of income, ethnicity, religion, or disability. (Delaware Early Care and Education Council Report to the Interagency Resource Management Committee 2006 Annual Report)

The committee will continue to follow the progress of this and other programs for young children.



**Kathy Vaughn, Kayla and Michelle Arthurs  
Speakers for Delaware Stars Inclusive Childcare  
Training**



**Children's Secret Garden Staff and others who  
completed the Delaware Stars Level 2 training**

## **CHILDREN AND YOUTH 2006-2007**

The Children and Youth Committee has had an interesting and informative 2006–2007 year. The many changes in the regulations concerning the identification of students with special needs have been sources of discussion for the Children and Youth Committee this year. The committee held numerous

discussions and review on the new Administrative Manual of Special Education Services (AMSES) regulations, as well as the adoption and use of the growth model to identify schools not meeting the No Child Left Behind (NCLB) requirements. Next year will be very interesting as the new regulations are implemented in grades Kindergarten through 8.

Our first goal for this year was to monitor the Memoranda of Understanding (MOU) and Interagency Agreement among the Local Education Agencies (LEA), Department of Education (DOE), and Division of Services for Children, Youth and their Families (DSCYF) as they relate to students with exceptionalities. As we became more acquainted with the documents, Christopher McIntyre, Supervisor of Special Education for DSCYF and a member of our committee was extremely beneficial. Chris helped to further our understanding of the needs of students who have special needs and are assigned to the juvenile correctional system. This is an area that will remain a focus as the Delaware Department of Correction (DOC) as a whole continues to make necessary improvements in the delivery of its services. Communication among agencies, documentation and oversight of students who are placed in DSCYF and DOC alternative placements were seen as weaknesses in the educational system of children and youth with more intensive needs.

Our second goal was to monitor the progress of behavioral support programs for students with exceptionalities. There was not a great deal of new information or recent activity regarding these programs.

Other discussions by the committee involved new developments that will have an impact on the education of students with special needs. The Charter School Reform guidelines were a topic of discussion and evaluation. Documents by Gary Miron and expertise provided by our committee member, Ron Russo from the Charter School of Wilmington added to our discussions on how charter schools and students with special needs may be affected by and can benefit from the new reforms. The needs of the gifted and talented population were also discussed at our meetings. New graduation requirements and how these will affect the education and graduation rates of students with special needs was also discussed. These topics will continue to be a focus of the Children and Youth committee as new developments occur. The committee also had the pleasure of listening to speakers discuss boundless playgrounds, such as the new **CAN-DO playground**, that is accessible to children and adults with exceptionalities.

### **CAN-DO Playground Grand Opening**



**Rotary member, Evelyn Swensson, leads the group in a song she composed just for the grand opening.**



**Children of all ages enjoy the totally accessible playground.**

## **ADULT TRANSITION SERVICES 2006-2007**

A major goal of the Adult Transition Services Committee is to advocate for accessibility for all citizens with physical disabilities. In doing so, the committee stays actively involved with other councils or speaks with them to find out what they doing on this issue.

A major accomplishment for Delaware and the Universal Design Coalition was the building of the Universal Design House in Seaford, Delaware by Steve Tull of Tull/Ramey Ltd. Wendy Strauss, Executive Administrator of the GACEC is a member of the Coalition, along with other members of the disability community and community at large. Over 100 individuals attended the open house held on March 30, 2007. Over forty individuals have toured the home since the Open House Ceremony and the home has been sold.

The committee heard a presentation from Paul Nicholson, Supervisor of Park Operations for the Department of Natural Resources & Environmental Control (DNREC) on accessible state parks. The Children and Youth Committee, as well as the Adult Transition Committee sent recommendations to Mr. Nicholson on playground equipment for individuals of all ages. Mr. Nicholson did not realize until he met with the two committees that there are persons with disabilities who may be a little older and larger who still use playground equipment and enjoy it. Some of these individuals may have movement difficulties or use wheelchairs.

The Adult Transition Services committee, Children and Youth committee and Infant/Early Childhood committee also joined together to hear a presentation from Thomas Talley on the **Can Do Playground**. The grand opening of the playground took place on July 11, 2007. GACEC staff attended the grand opening.

Debbie Flick from the Friends for Victoria Flick Foundation presented information on accessibility in parks. Mrs. Flick is trying to get all parks to install equipment to make them accessible to children with physical disabilities. The Children and Youth committee and Infant/Early Childhood committee also sat in on this presentation.

An ongoing goal of this committee is to receive regular status reports on special educational services in the prison system and to conduct any follow up research. Dr. Fran Tracy-Mumford, director of Adult Education for the Department of Education (DOE) presented information to the committee on the status of the education program in the prison system. She also addressed adult education and the partnership between the DOE, Department of Corrections (DOC) and the Division of Services for Children, Youth and their Families (DSCY&F). Dr. Mumford stated in her presentation in January of 2007 that 1800 inmates were served last year. Of that number, seventy-nine received high school diplomas. She also shared information on the family literacy program. She informed the committee that this program is not working so it will not be repeated this year. Seventeen special education students were being served at that time, with another seven being processed. It was mentioned that the majority of inmates who are eligible for special education classes do not wish to be a part of special education services offered at the prison. There are no requirements for inmates to take part in the educational programs that are available. It was reported that the educational program is fully staffed except for a culinary arts instructor at Baylor Women's' Correctional Institution and a media specialist at the Delaware Correctional Center. The Division of Youth Rehabilitative Services awarded over ninety-eight GEDs in the past four years. Dr. Mumford mentioned that seventy-three diplomas were

awarded through the DOC program last year. It was explained that all educational programming that is offered in DOC is under the authority of DOE, except for the apprenticeship programs. DOE funds the apprenticeship programs but they do not oversee them. In addition, John Ryan, a member of the Adult Transition Services (ATS) committee who works with the prison education programs spoke to the committee about educational services at the DOC.

The committee requested a letter from the Council to the Governor in support of and in appreciation for what is happening with the vocational and distance learning programs at the DOC with hope for future expansion. We are planting the seed so that next year key legislators can be contacted on the possibility of a bill.

The committee continues to advocate for improved transportation services across Delaware for people with disabilities. They will continue to monitor DART & DAST services, including the implementation of a hub in Sussex County.

The committee will collaborate with the GACEC Policy and Law committee regarding eligibility of students with special needs and the drivers education programs offered in the schools.

### **UNIVERSAL DESIGN HOUSING**



**The Universal Design House, located in Seaford, was built by Tull/Ramey, Ltd.**



**Steve Tull of Tull/Ramey, Ltd. at the grand opening of the Universal Design House in Seaford, DE.**

### **POLICY AND LAW COMMITTEE 2006-2007**

The Policy and Law committee reviews and analyzes proposed state legislation and regulations as well as state policies and federal legislation affecting exceptional citizens. The GACEC in conjunction with other Councils and Committees was successful in recommending changes in a number of pieces of legislation and regulations. This year the Policy and Law committee reviewed twenty-five pieces of

proposed legislation and sixty-five proposed regulations, policies and interagency agreements. See Appendix A for a list of responses and outcomes of regulations and legislation commented on by the Council after review by the Policy and Law committee.

This was a very busy year for Council because of the new IDEIA Regulations that were passed at the Federal level in October 13, 2006. The Department of Education shared lengthy pre-publication drafts of proposed regulations with the GACEC. The Council issued 120 observations or recommendations in two separate letters in February, 2007. The DOE adopted more than 90 amendments based on the Council's comments. The GACEC is grateful to the DOE for allowing the Council to review the regulations in advance and incorporate suggestions into the final regulations. These regulations will revise the Administrative Manual for Special Education Services (AMSES) for Delaware. The Department's plan is that the new AMSES version will combine the state regulations with the federal regulations rather than having it side by side as it is currently. As always, Council looks forward to working in a partnership with DOE.

A letter was written to legislators supporting H.S. No. 1 for H.B. No. 18 (Diploma Standards). This legislation essentially delays implementation of a statute tightening diploma standards from January, 2008 to January, 2011. As a result, a standard diploma would still be issued to a student who does not achieve competency on the DSTP until January, 2011. The rationale for the deferral is that the DSTP is pending revision. This initiative favors students with disabilities attempting to qualify for a diploma between 2008-2010 since students with disabilities demonstrate a lower than average rate of passing the DSTP. Governor Ruth Ann Minner signed this bill into law on April 5, 2007.

There were several other proposed bills endorsed by the GACEC which impacted persons with disabilities. Following are a few examples: House Bill 47 (Hospital Infections Disclosure Act) which makes hospital infection rate information available to the public. Such disclosure facilitates informed choice and provides an incentive for hospitals to take steps to reduce incidence of infections. Governor Ruth Ann Minner signed this bill on June 12, 2007. House Bill No. 7 (School Bullying) is a bill which creates a safer learning environment for students enrolled in public schools, including charter schools. This bill was signed by Governor Minner on May 3, 2007. In addition, the Policy and Law committee reviewed many other proposed DOE and other State regulations in which changes were suggested by the committee and accepted by the agency proposing the regulation.



**Jeanne Schulte Scott, Esq., Keynote Speaker – 2007 Annual LIFE Conference**

Listed below is a comprehensive group of organizations and councils, as well as public meetings with which GACEC staff and/or members are involved on a recurrent basis, and which assist the Council with interagency collaboration and coalition building.

#### **State Board of Education**

**Department of Education, Special Education Group**

**Interagency Coordinating Council (ICC) for Part C of IDEA**

**Developmental Disabilities Council (DDC)**

**DE Alternate Portfolio Assessment (DAPA)**

**Partners Council for Children with Disabilities (PCCD)**

**State Council for Persons with Disabilities (SCPD)**

**Delaware Federation & National Federation Council for Exceptional Children (CEC)**

**Governor's Commission on Community-Based Alternatives for Individuals with Disabilities (GCCBAID)**

**Association for the Rights of Citizens with Mental Retardation in Delaware (ARC-Delaware)**

**Coordinating Council for Children with Disabilities (CCCCD)**

**Parent Information Center of Delaware (PIC)**

**Autism Society of Delaware (ASD)**

**Protection & Advocacy of Individual Rights (PAIR)**

**University of Delaware Center for Disabilities Studies (CDS)**

**Department of Labor Vocational Rehabilitation Advisory Committee**

**DE Student Testing Program (DSTP) Task Force**

**Adult Autism Taskforce**

**Association for Supervision & Curriculum Development**

**Correctional Education Association**

#### **Workforce Investment Act Advisory Board**

**Governor's Commission on Employment of People w/Disabilities**

**Division of Vocational Rehabilitation/Delaware Autism Program (DVR/DAP) Taskforce**

**Downs Syndrome Association**

**DOE IEP Work Group**

**Universal Design Coalition**

**Building Blocks Capacity Grant Committee**

**Children & Adults w/Attention Deficit Disorder (CHADD)**

**SCPD Traumatic Brain Injury (TBI) Committee**

**Collaborative Efforts to Reinforce Transition Success (CERTS)**

**SCPD Public Relations Group**

**Healthy Delawareans 2010**

**DOE Teacher Retention and Recruitment**

**Delaware Ticket to Work Committee**

**Camden-Wyoming Challenger Little League**

**Speech/Language Pathologist Taskforce**

**Delaware Counseling Association**

**Alliance for Full Participation Committee**

**Abuse/Neglect Child Death Review Panel**

**American Counseling Association**

**National Association for the Education of Young Children**

**Brandywine Special Needs PTA (BSNPTA)**

**Delaware Association of School Administrators**



The GACEC gratefully acknowledges the efforts and assistance of representatives from the Department of Education, representatives from various State of Delaware agencies and our invited guests. Council is indebted to these individuals who have been so helpful by attending our meetings to provide information, additional points of view and answer questions for our committees and Council as a whole.

### **Presenters & topics**

Martha Toomey, DOE – Response to Intervention (RtI); Update on the Rollout of IDEA; Delaware’s Regulatory changes to the Administrative Manual for Special Education Services (AMSES))

Brian Touchette, DOE – Delaware Alternate Portfolio Assessment (DAPA) and deletion of the functional skills curriculum

Dr. Fran Tracy-Mumford, DOE – Prison Education System

Deborah Flick, Friends of Victoria Flick Foundation – Accessibility and county parks

Thomas Talley, Associate Vice-President, Raymond James & Associates, Inc. - Can Do Playground

Paul Nicholson, Supervisor of Park Operations of Department of Natural Resources and Environmental Control (DNREC) – accessible parks in Delaware

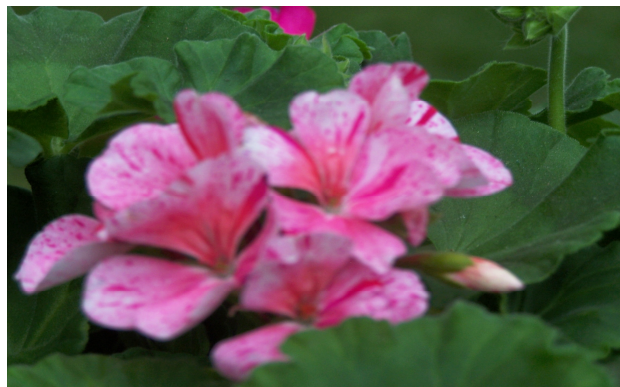
Regina Wilburn, Division of Social Services/DHSS – Purchase of Care Program

Catina McCray, Division of Social Services/DHSS – Purchase of Care Program

Deborah Scott - District School-to-Work Transition Coordinator, New Castle County Vocational Technical School District with her students: Alicia Arter, Ben Sheid, Nicole Newton, Mike Riedel, and William Edwards.

**GOVERNOR'S ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS  
(GACEC)  
MEMBERSHIP LIST**

1. Darlene Arena	20. Danna M. Levy
2. Michelle Arthurs	21. Patricia Maichle
3. Jean Butler	22. Christopher McIntyre
4. Al Cavalier, Ph. D.	23. Janet S. Milnamow
5. Melinda Ciccia (appointment pending)	24. Karen O'Brien
6. Nancy Cordrey	25. William P. O'Neill
7. Dr. Janet R. Cornwell	26. Robert D. Overmiller
8. Cathy Cowin	27. Jennifer Pulcinella
9. Patricia Darlington	28. Dennis Rubino
10. Helene Diskau	29. Ronald Russo
11. Jane Donovan	30. John Ryan
12. Lisa Gonzon	31. Melissa Shahan
13. Bernhard Greenfield	32. Judy A. Smith
14. Terri A. Hancharick	33. Darlene M. St. Peter
15. Brian J. Hartman, Esq.	34. Martha Toomey
16. G. Patrick Heffernan	35. Charles W. Tulloch, II
17. Dave Hosier, II	36. John A. Werner
18. Julie Johnson (appointment pending)	
19. Christopher Laniyan	



**GACEC STAFF**

Wendy S. Strauss  
Executive Administrator

Kathie P. Cherry  
Administrative Assistant

Susan L. Hayes  
Operations Support Specialist

**GACEC REVIEW OF STATE LEGISLATION**  
**144<sup>th</sup> GENERAL ASSEMBLY**  
**FY 2007**

BILL	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)	OUTCOME
HB 7	School Bullying	Shared Observations	02/23/07		05/03/07 - Signed by Governor
HS No.1 for HB 18	Diploma Standards	Letter of Endorsement	02/22/07		04/05/07 - Signed by Governor
SB 6	Delaware Health Insurance Pool	Letter Strongly Endorsing Subject to Caveat	03/05/07	04/24/07 - House Economic Development/Banking and Insurance Committee	
SB 11	Delaware Prescription Plan Payment Assistance Program	Letter of Endorsement	03/05/07		04/05/07 - Signed by Governor
HB 3	Restroom Access	Shared Observations	03/05/07	06/05/07 - Stricken	
HB 47*	Hospital Infections Disclosure Act	Letter Strongly Endorsing	03/27/07	6/13/07 - Substituted	
*HS No. 1 for HB 47 w/HA 1, HA 2					07/12/07 - Signed by Governor
SB 65	Child Care "Tiered" Subsidy	Letter Strongly Endorsing	04/24/07	03/29/07 - Senate Children, Youth and Families Committee	
HB 49	Cigarette Tax	Letter of Endorsement	04/27/07	06/26/07 - Stricken	

**GACEC REVIEW OF STATE LEGISLATION**  
**144<sup>th</sup> GENERAL ASSEMBLY**  
**FY 2007**

BILL	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)	OUTCOME
HB 78	Cell Phone Use in Vehicles	Letter of Endorsement Subject to Two Amendments	04/30/07	05/10/07 - Defeated	
HB 92	Health Insurance Arbitration	Letter Strongly Endorsing Subject to Amendment	04/30/07		06/28/07 - Signed by Governor
HB 94	Adult Correction Healthcare Review Committee	Letter of Endorsement	04/30/07	05/02/07 - Out of Committee	
SB 66	Child Care Subsidy	Letter of Endorsement	04/30/07	03/29/07 - Senate Finance Committee	
HB 83	Gas Station Accessibility Letter to Rep. John Viola	Letter Endorsing the Concept with Two Amendments	04/30/07		06/21/07 - Signed by Governor
SB 46	Motorcycle Helmets	Letter. Strongly Endorsing	05/01/07	03/14/07 - Senate Public Safety Committee	
SB 78 w/HA 2	PKU Insurance Coverage	Letter Strongly Endorsing	05/24/07	06/28/07 - Senate Passed	
SB 37	Health Insurance Rate Regulation	Letter of Endorsement	05/24/07	06/06/07 - House Economic Development/Banking and Insurance Committee	
HB 129	Family Support Coordinating Council	Shared Observations	05/24/07	05/09/07 - Senate Children, Youth and Families Committee	

**GACEC REVIEW OF STATE LEGISLATION**  
**144<sup>th</sup> GENERAL ASSEMBLY**  
**FY 2007**

BILL	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)	OUTCOME
HB 128	CHIP Income Cap	Letter of Endorsement	05/24/07	06/07/07 - Out of Committee	
HB 123	Dental Care for Pregnant Medicare Recipients	Letter of Endorsement	05/24/07	04/26/07 - House Appropriations Committee	
HB 167	Hospital & Long Term Care Facilities Policies	Letter Strongly Opposing	06/22/07	06/12/07 - Out of Committee	
SB 112	Public Health Emergencies	Shared Observations	06/22/07		07/24/07 - Signed by Governor
HB 178 w/HA 1	Hearing Aid Loan Bank	Letter Strongly Endorsing	06/22/07		07/12/07 - Signed by Governor
SB 29	Sex Abuse Statute of Limitations	Letter Endorsing	06/22/07		07/10/07 - Signed by Governor
SB 90	Sex Offender Management Board	Letter Endorsing the Concept	06/22/07		07/05/07 - Signed by Governor
SB 94	Nursing Home Administrators	Shared Observations	06/28/07		07/05/07 - Signed by Governor

**GACEC REVIEW OF POLICY AND REGULATIONS  
FY 2007**

REGULATION	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)
	State Performance Plan 2005 – 2010	Shared Observations	07/10/06	
10 DE Reg. 30	DOE Proposed Graduation Regulations	Letter Opposing - Shared observations and recommendations	07/19/06	08/09/06 – Agency responded without substantive changes
10 DE Reg. 45	DOE Proposed Early Childhood Teacher Certificate Regulations	Shared Observations	07/19/06	08/09/06 – Agency responded – “cutting and pasting” errors noted and regulations corrected
10 DE Reg. 34	DOE English to Speakers of Other Languages (ESOL) Teacher Certificate	Shared Observations	07/19/06	08/09/06 – Agency responded – “cutting and pasting” errors noted and regulations corrected
	Request for Public Comments on Diamond State Health Demonstration Waiver	Letter of Support for letter written by Disability Law Program	07/31/06	
	DelDOT Proposed Paratransit “No Show” Policy	Shared Observations	08/02/06	08/07/06 – Agency responded – will consider recommendations
10 DE Reg. 208	DOE Rev. Prop. ESOL Teacher Certification Regulation	Shared Observations	08/09/06	09/14/06 – Agency responded – will make correction and republish
10 DE Reg. 245	DOE Proposed DSTP Regulations	Shared Observations	08/16/06	09/14/06 – Agency responded – clarification made
10 DE Reg. 253	DOE Proposed Criminal Background Check Regulations	Shared Observations	08/16/06	09/14/06 – Agency responded – recommended wording added

**GACEC REVIEW OF POLICY AND REGULATIONS  
FY 2007**

REGULATION	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)
10 DE Reg. 442	DOE Proposed GED Regulation	Shared Observations	09/21/06	10/09/06 – Agency responded – replaced “regular high school program” with “public and non public school program”. Section 2.3 – Proof of age standard – words “or other comparable and reliable documentation of age” added
10 DE Reg. 308	DSCY&F Proposed Day Care Center Regulation	Letter Endorsing w/Recommendations And Observations	09/22/06	
	DTC Revised Draft “No-Show” Policy	Shared Comments	09/27/06	
10 DE Reg. 444	DHSS Proposed SCHIP Dental Services Regulations	Letter Strongly Endorsing	09/27/06	10/20/06 – Agency responded without substantive changes
10 DE Reg. 447	DSS Proposed Child Care Subsidy Regulation	Shared Concerns and Recommendations	10/02/06	11/27/06 – Agency responded without substantive changes
10 DE Reg. 623	DOE Proposed Teacher of Visually Impaired Cert. Reg.	Shared Observations	10/18/06	11/14/06 – Agency responded – lack of compliance with 14 Del. C. Section 206(d) has been addressed and regulation amended to reflect statute. Professional Standards Board voted to change title to make it more ‘people-first’.
10 DE Reg. 617	DOE Proposed Groves High School Regulations	Shared Observations	10/18/06	11/14/06 – Agency responded without substantive changes

**GACEC REVIEW OF POLICY AND REGULATIONS  
FY 2007**

REGULATION	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)
10 DE Reg. 615	DOE Proposed Physical Fitness Regulations	Shared Observations	10/18/06	11/14/06 – Agency responded without substantive changes
10 DE Reg. 696	DOE Final Early Childhood Teacher Cert. Reg.	Shared Observations	10/18/06	
	Money Follows the Person (MFP) Grant Application By DE Dept. of Health and Social Services to the Centers for Medicare and Medicaid	Letter Strongly Endorsing Submission	10/18/06	
10 DE Reg. 795	DMMA Proposed Retirement Funds Reg.	Shared Observations	11/29/06	02/23/07 - Agency responded - §20330.4 - last paragraph revised
10 DE Reg. 798	DMMA Prop. LTC Annuity Regulation	Shared Observations	11/29/06	03/22/07 - Agency responded - §20330.4.B.1 revised
10 DE Reg. 773	DOE Proposed Shared Decision/transition/School Improvement Grant	Shared Observations	11/30/06	12/18/06 – Agency responded – without substantive changes. DOE did agree to add cut off date for comments as well as the name and address of the person that should receive comments.
10 DE Reg. 781	DOE Prop. Teacher of Deaf/Hard of Hearing Cert. Reg.	Shared Observations	11/30/06	12/18/06 – Agency responded – Agreed to change name of regulation to reflect “people-first” language. As per Council’s suggestion, Section 3.1.2 has been removed. Discussions have been scheduled with DOE and PSB pertaining to the issue of substitute teachers on issues of licensure, certification and permits.

**GACEC REVIEW OF POLICY AND REGULATIONS  
FY 2007**

REGULATION	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)
10 DE Reg. 790	DOE Prop. Special Education Teacher K to 12 Cert.	Shared Observations	11/30/06	12/18/06 – Agency responded - requesting SBE send back to Professional Standards Board to seek additional input from Special Ed Directors before moving forward.
10 DE Reg. 862	DOE Final GED Regulations	Thank you for being responsive to our comments and observations	11/30/06	
	Traumatic Brain Injury State Implementation Grant Year II Application by DHSS/DPH	Letter Enthusiastically Supporting Submission	12/19/07	
10 DE Reg. 1103	DOE Proposed DSTP Regulation	Shared Observations	01/07/07	02/02/07 – Agency responded without substantive changes
10 DE Reg. 1114	DOE Proposed Certification of Early Childhood Special Education Teacher Regulation	Shared Observations	01/17/07	02/02/07 – Agency responded without substantive changes
10 DE Reg. 1112	DOE Proposed Extracurricular Activities Regulation	Letter of Endorsement – Ask to Reconsider One Concept	01/17/07	02/02/07 – Agency responded without substantive changes
10 DE Reg. 1147	DOE Final Teacher of Students with Visual Impairments	Thank you for Considering and Incorporating Our Comments	01/17/07	
	Center for Disabilities Studies Grant Application For Total Life Project to National Institute on Disability and Rehabilitation Research	Letter Strongly Endorsing Submission	01/23/07	
	GACEC Ad-Hoc Committee comments on proposed AMSES revisions	Shared Observations	02/07/07	05/15/07 - Agency responded - incorporated 90+ GACEC comments

**GACEC REVIEW OF POLICY AND REGULATIONS  
FY 2007**

REGULATION	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)
	Ordinance No. 7-001 Accessory Dwelling Units	Letter Strongly Endorsing	02/16/07	
10 DE Reg. 1205	DOE Proposed Driver Education Regulation	Letter of Endorsement	02/22/07	03/02/07 - Agency responded - thank you for endorsement
10 DE Reg. 1202	DOE Proposed Content Standards Regulations	Letter of Endorsement/Observation	02/22/07	03/02/07 – Agency responded without substantive changes
10 DE Reg. 1213	DOE Proposed Standard Certificate Regulations	Shared Observation	02/22/07	03/02/07 - Agency responded - agreed to amend sentence as suggested to make sentence not as limiting
	GACEC Ad-Hoc Committee comments on proposed AMSES Revisions, Subpart D	Shared Observations	02/28/07	05/15/07 - Agency responded - incorporated 90+ GACEC comments
10 DE Reg. 1220	DMMA Proposed Institutionalized Spouse	Letter of Endorsement	03/02/07	03/22/07 - Agency responded - thank you for endorsement
	DPH Proposed Personal Assistance Services Agency Regulations (Pre-Publication)	Shared Observations	03/05/07	
10 DE Reg. 1233	Dept. of Insurance MCO Appeal Regulations	Letter of Endorsement/Shared Observations	03/05/07	
10 DE Reg. 1249	Dept. of Insurance MCO Certification & Operations Regs.	Letter of Endorsement/Shared Observations	03/05/07	
10 DE Reg. 1373	DMMA Proposed Home Equity Medicaid Disqualification	Shared Observations	03/26/07	04/20/07 - Agency responded without substantive changes
10 DE Reg. 1436	DMMA Final Retirement Funds Regulation	Thank you for incorporating our recommendations - notated capitalization error	03/26/07	04/02/07 Agency responded - thank you for editorial assistance

**GACEC REVIEW OF POLICY AND REGULATIONS  
FY 2007**

REGULATION	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)
10 DE Reg. 1401	DSS Prop. Food Stamp Employment & Training Program	Shared Observations	03/26/07	
10 DE Reg. 1398	DSS Prop. "Work for Your Welfare" Regulations	Shared Observations	03/29/07	
10 DE Reg. 1376	DPH Proposed Personal Assistance Services Agencies Regulations	Shared Observations	03/29/07	
10 DE Reg. 1508	DOE Proposed Diploma Regulations	Shared Observations	04/18/07	05/14/07 - Agency responded - "educational" substituted for "academic". Term "educational" is more encompassing. Term "extra year(s) of high school will be substituted for "a fifth year of high school". Changes made to Section 4.1 - addresses relationship between IEP and SSP.
10 DE Reg. 1513	DOE Proposed Health-Related Regulations	Shared Observations	04/18/07	05/14/07 - Agency responded - expanded the definition of School Enterer. Section 2.3 rewritten. Incorporated suggested language on medications and dosage limits.
10 DE Reg. 1523	Dept. of Insurance Proposed MCO Appeal Regulations	Letter of Endorsement	04/26/07	
10 DE Reg. 1522	DSS Proposed Child Care Subsidy Regulations	Shared Observation	04/26/07	05/02/07 - Agency responded - changes made to clarify text
	DDDS Eligibility Regulation Draft	Letter Supporting Comments Submitted by Brian Hartman	05/04/07	
	New Castle County Ordinance No. 07-053 Regarding the Definition of Family	Letter Strongly Opposing	05/04/07	
	DDDS Group Home for Special Behaviors	Letter of Support for Continued Funding	05/10/07	

**GACEC REVIEW OF POLICY AND REGULATIONS  
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REGULATION	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)
10 DE Reg. 1660	DMMA Proposed Medicaid Fraud Education Regulations	Letter of Endorsement	05/22/07	08/22/07 - Agency responded - Thank you for endorsement - no substantive changes made.
10 DE Reg. 1670	Department of Insurance Proposed Discrimination Regulation	Shared Observations	05/22/07	
	Continued Funding for Apprenticeship/Vocational Programs for Inmates within the Department of Corrections	Letter of Support	05/29/07	
	Governor's Commission on Community Based Alternatives Letter Supporting the Plan for Persons with Disabilities Draft - Five Year Plan		05/31/07	
	DHSS Medicaid Intrastructure Grant (MIG) Application	Letter Strongly Endorsing	06/12/07	
10 DE Reg. 1761	DOE Proposed Special Education Eligibility Regulations	Shared Observations	06/21/07	07/30/07 - DOE concurred that Section 6.17.3 is too limited and wording was added to clarify provision
10 DE Reg. 1758	DOE Proposed ESY Regulations	Shared Observations	06/21/07	07/30/07 - Agency responded without substantive changes
10 DE Reg. 1802	DOE Final Diploma Regulations	Thank You Letter For Considering GACEC Observations and Recommendations	06/25/07	
10 DE Reg. 1807	DOE Final Health Related Regulations	Thank You Letter For Considering GACEC Observations and Recommendations	06/25/07	
10 DE Reg. 1816	DOE Final Special Education Regulations	Thank You Letter For Considering GACEC Observations and Recommendations	06/25/07	
10 DE Reg. 1781	DMMA Proposed LTC Annuity Regulations	Letter Endorsing the Concept	06/25/07	

**GACEC REVIEW OF POLICY AND REGULATIONS  
FY 2007**

REGULATION	SYNOPSIS	RECOMMENDATION	LETTER DATE	STATUS (as of 7/01/07)
10 DE Reg. 1780	DMMA Proposed Pediatric Nursing Facility Reimbursement Regulation	Shared Observations	06/25/07	08/22/07 - Agency responded without substantive changes